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2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARTIN RESENDEZ GUAJARDO,

Plaintiff,

VS.

MICHAEL B. MUKASEY, United States  
Attorney General,  
BOARD OF IMMIGRATION APPEALS,  
U.S. DEPARTMENT OF HOMELAND  
SECURITY,  
EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW,  
Immigration Court,

Defendants.

CV 08

1929

Agency Case No.: D2007-319

**PJH**

## E-filing

## TEMPORARY RESTRAINING ORDER (Proposed)

The Court having reviewed the Plaintiff's Verified Complaint For Writ In the Nature of Injunctive and Declaratory Relief, Motion for Temporary Restraining Order and Preliminary Injunction, and Memorandum of Points and Authorities in support thereof, and having heard argument from counsel, HEREBY ORDERS:

- (1) Defendants to appear before this court on \_\_\_\_\_ to show cause why they should not be enjoined from enforcing the order of immediate suspension against the Plaintiff.
- (2) Plaintiff to immediately serve on the Defendants all pleadings and papers, if Plaintiff has not already done so and in no event shall they be filed later than Monday, April 14, 2008.
- (3) The motion for a temporary restraining order is granted pending a hearing on the Plaintiff's motion for a preliminary injunction. The

Defendants are ordered to lift the order of immediate suspension pending the conclusion of these proceedings. Defendants shall not prohibit Plaintiff from appearing on behalf of his clients at the San Francisco, California immigration court, the Board of Immigration Appeals or the San Francisco, California District Office of U.S. Citizenship and Immigration Services. The Plaintiff has demonstrated that he will suffer irreparable injury under the circumstances. The Board of Immigration Appeals has failed to offer any valid basis for upholding the immediate suspension. A copy of this order shall suffice to demonstrate the Plaintiff's eligibility to make appearances pending the conclusion of these proceedings. This temporary restraining order is valid through \_\_\_\_\_ and may be renewed upon application/motion of the Plaintiff.

\_\_\_\_\_  
U.S. DISTRICT COURT JUDGE

Dated: April \_\_\_\_\_, 2008